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TAGS: [PGOV](#) [IS](#)

SUBJECT: IDF TO INVESTIGATE COMPLAINTS OF CRIMINAL CONDUCT
BY ITS FORCES DURING OPERATION CAST LEAD

Classified By: DCM Luis G. Moreno for reasons 1.4 (b) and (d).

SUMMARY

¶1. (C) Initial IDF rejection of allegations of criminal conduct by troops involved in Operation Cast Lead in the Gaza Strip has given way to admission that some 100 complaints have been leveled at the Israeli military regarding the conduct of its forces during the military assault on Hamas. Media reports, confirmed by calls to IDF contacts that suggested the IDF would issue a press release July 30 containing virtually the same information, said that the IDF is reviewing these complaints and the Judge Advocate General has already ordered criminal investigations into 15 of the cases, although it is unclear whether this represents a policy change within the military or merely a "lessons learned" phase following a major military operation. At least one Israeli organization appears to have played a key role in forcing the IDF to break the silence on misconduct in the field.

26 SOLDIERS WHO WERE THERE

¶2. (C) The allegations of criminal conduct by various organizations such as Human Rights Watch and the International Red Cross have been persistent since the conclusion of "Cast Lead" in January 2009. Individual Palestinians also testified to IDF abuses such as looting, beatings, vandalism of property and the use of the local population as human shields. But by far the strongest reverberation in Israel was that created by the Israeli organization "Breaking the Silence", which collected testimony from 26 unnamed IDF soldiers. All of the soldiers had been involved in Operation Cast Lead in the Gaza Strip, and testified to instances where Gazans were used as human shields, incendiary phosphorous shells were fired over civilian population areas, and other examples of excessive firepower that caused unnecessary fatalities and destruction of property.

THE MILITARY SPOKESMAN STRIKES BACK

¶3. (C) Brigadier General Avi Benayahu, the IDF military spokesman, is a seasoned player when it comes to handling the media. "Breaking the Silence" constituted a very different challenge, however, as the testimony was by Israelis who had served in the operation being criticized. Their allegations were not easy to dismiss, and Benayahu was careful not to refute them outright or imply that they were untrue or misleading. Instead, he pointed the finger at the methodology of the organization that had gathered their anonymous testimony, denouncing "Breaking the Silence" for making general allegations and failing to investigate the

details. As part of his campaign to discredit "Breaking the Silence", the IDF Spokesman claimed that it had been masquerading as a non-profit organization when in reality it was a registered (for profit) company, even quoting its putative registration number in a live interview with Israel Army Radio. ("Breaking the Silence" has not to our knowledge responded to the allegation. According to the media, the GOI has expressed its dissatisfaction with some European governments who have reportedly channeled funds to "Breaking the Silence.") Finally, Benayahu lambasted the organization for failing to submit its report to the IDF with a sufficient delay ahead of publication -- it gave 24 hours -- so that the military could investigate the testimonies. In other words, the IDF was outraged that "Breaking the Silence" went public rather than give the IDF "first refusal" on a military investigation that is public only in terms of its findings.

THE DEFENSE MINISTER STAKES A CLAIM

14. (C) Along with his all-out campaign to discredit the report, Benayahu also had the support of Defense Minister Barak, who quickly chastised critics of the IDF. Barak, perhaps concerned both with troop morale and the appearance of his concern, was quoted as saying "Any criticism of the IDF from this or that organization is misplaced and misdirected. If someone has a criticism, or information or conclusions about IDF actions, they should bring them to me as Minister of Defense ... and to the Israeli government that instructed the IDF to restore quiet to the communities in the South." The media has highlighted Barak's repeated claims that the IDF is the world's most moral Army.

Nevertheless, the allegations of the 26 soldiers also elicited from the IDF Spokesman's Unit a statement that the IDF "is committed to investigating any claim supported by facts" and that "by order of the IDF Chief of Staff, Lt. Gen. Ashkenazi, five investigations headed by specialists in the field examined various aspects of the operation ... and that the IDF is currently investigating other incidents which relate to individual claims ..."

ENTER THE JUDGE ADVOCATE GENERAL

15. (C) A long-standing joke in the Israeli military relates to the need for an attorney as an essential component of the combat soldiers assault equipment. On the even of Operation Cast Lead, the media put out the word that the plan of attack had been so carefully worked out that it would take the troops through the treacherous minefields of international law, a promise that now seems overly optimistic. The Goldstone Commission, the International Red Cross, and Human Rights Watch are all demanding accountability on Israel's part for the 1400 Palestinians killed -- according to Palestinian claims -- and the enormous damage to civilian property in the Gaza Strip. The case of the IDF Spokesman versus "Breaking the Silence" might indicate, however, that in the Israeli context, the most effective pressure comes from home.

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